

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

December 17, 2008

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No. 08-10070  
Summary Calendar

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Charles R. Fulbruge III  
Clerk

RANDALL BYARS

Plaintiff - Appellant

v.

WASHINGTON MUTUAL BANK; SELECT PORTFOLIO SERVICING INC;  
DB STRUCTURED PRODUCTS INC

Defendants - Appellees

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:07-CV-322

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Before REAVLEY, WIENER, and PRADO, Circuit Judges.

PER CURIAM:\*

Plaintiff Randall Byars asks the court to give him a chance to prove his case, but he has given this court and the district court no notice of what is his case. He filed no objection to the motion for summary judgment and he raises no point or argument objecting to the district court's judgment. This court must follow the requirement of Rule 28 of the Federal Rules of Appellate Procedure

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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that appellants state and brief argument on each issue of complaint about the trial court's judgment. For this reason this court must dismiss the appeal for want of prosecution. See Grant v. Cuellar, 59 F.3d 523 (5th Cir. 1995).

DISMISSED.